

January 26, 2006

Secretary Mary Cottrell
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

RE: DTE 05-87, Emergency Regulations Promulgated Pursuant to Ch. 2005, c. 140

Dear Secretary Cottrell:

On December 27, 2005, the Department adopted “emergency regulations expanding eligibility for the low-income discount rate for electric and gas companies” from 175% of poverty to 200% of poverty. “Order Adopting Emergency Regulations,” DTE 05-87 (Dec. 27, 2005), at 1 (“Order”). The Order was issued in response to the recently-enacted Heating Energy Assistance Act, Chapter 140 of the Acts of 2005. Order, at 1 -2.

The Department subsequently issued a “Notice of Public Hearing and Request for Comments” allowing interested parties to file comments by February 1, 2006. The National Consumer Law Center (“NCLC”) hereby files brief comments.

NCLC thanks the Department for the speed with which it responded to Chapter 140 and to the sensitivity the Department has shown to the interests of low-income customers at a time when energy prices are rising sharply. The Department has taken a number of formal actions to help low-income customers, both in this docket and, notably, in DTE 01-106, the docket that has resulted in approximately 25,000 low-income additional households being enrolled automatically onto the discount rates. In addition, the Department announced an extension of the 2005-2006 winter moratorium on terminations of low-income accounts even before winter had fully arrived, another step that NCLC greatly appreciates. The Department has also initiated a number of efforts to better inform utility customers of their rights and the assistance programs that are available to them, as well as requiring the companies to increase their own education and outreach efforts.

NCLC fully supports the emergency regulations and urges the Department to make them final shortly after the hearing on February 1, 2006.

Respectfully submitted,

Charles Harak, Esq.
National Consumer Law Center
77 Summer Street
Boston, MA 02110
617 542-8010
charak@nclc.org

cc: Hearing Officer Elizabeth Cellucci, Esq.